IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr. Misc. No.49260 of 2007

ASHWINI KUMAR, son of Awinash Singh,
Resident of village Ghoswar, P.S. Hajipur
Sadar, district Vaishali

Versus

THE STATE OF BIHAR

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With

Cr. Misc. No.47276 of 2007

1. KIRAN DEVI, wife of Awinash Singh
2. Rishi Kumar, son of Awinash Singh
   Both residents of village Ghoswar, P.S.
   Hajipur Sadar, district Vaishali

Versus

THE STATE OF BIHAR

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With

Cr. Misc. No.47308 of 2007

ANAND KUMAR, son of Awinash Singh,
resident of village Ghoswar, P.S. Hajipur
Sadar, district Vaishali

Versus

THE STATE OF BIHAR

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/7/ **22.10.2008** Petitioners in all these criminal miscellaneous applications are on provisional bail in connection with Hajipur Sadar P.S. Case No. 16 of 2007 registered under Sections 498A, 323 and 315/34 of the Indian Penal Code. Indulgence was given to the informant, Shikha Devi @ Moni. Anand Kumar, who is the husband of the informant, had shown his willingness to take his wife in compliance of the direction of this Court. He took his wife to his residential place.

2. Today, Anand Kumar (petitioner in Cr. Misc. No. 47308 of 2007) and informant, Shikha Devi @ Moni, are

present. As informed, in spite of best efforts of petitioner, Anand Kumar, informant, Shikha Devi @ Moni, left her matrimonial house without informing any one. Subsequently, she filed another police case vide Hajipur Sadar P.S. Case No. 299 of 2008 on 02.09.2008 relating to offence under Sections 498A, 323 and 379/34 of the Indian Penal Code and 3 and 4 of Dowry Prohibition Act. Conduct of the informant shows that her only intention is to harass her husband and his entire family members.

3. No coercive step should be taken against the petitioners in connection with Hajipur Sadar P.S. Case No. 299 of 2008. The Officer-in-Charge of Hajipur Sadar Police Station should not have instituted police case for the same offence with regard to which already a police case is filed and the matter was before this Court. The provisional bail allowed to the petitioners, Ashwini Kumar (in Cr. Misc. No. 49260 of 2007), Kiran Devi and Rishi Kumar (in Cr. Misc. No. 47276 of 2007) and Anand Kumar (in Cr. Misc. No. 47308 of 2007) is **confirmed** in connection with Hajipur Sadar P.S. Case No. 16 of 2007. They will remain on the same bail bonds.

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4. The Officer-in-Charge, Hajipur Sadar Police Station, will take step in accordance with law in connection with Hajipur Sadar P.S. Case No. 299 of 2008 considering the fact that already a police case with regard to same offence is continuing.

(Mridula Mishra, J.)

S.A.